

REMARKS

A review of the claims indicates that:

- A) Claims 33, 37, 39, 40 is currently amended.
- B) Claims 25—32, 34, 35, 38 and 41—44 are previously presented.
- C) Claims 1—24 are previously cancelled.
- D) Claim 36 is withdrawn.

In view of the following remarks, Applicant respectfully requests reconsideration of the rejected claims and withdrawal of the rejections.

Informal Telephone Interview

The Applicant's attorney thanks the Examiner for allowing several minutes in an Informal Interview to discuss the Restriction.

In the discussion, the Applicant indicated the desire to elect Species I, wherein (as indicated by the Office Action mailed 01/03/2007 as "not allowing the size of the color ramps to vary."

The Applicant suggested that Claims 33—44 could be amended to include the restriction against varying the size of the color ramps, and that Claims 33—44 could then be included in Species I.

The Examiner agreed that some amendment might be allowed, which would required such a restriction against size variation.

Accordingly, it was agreed that the Applicant would amended Claims 33, 39 and any dependent claims, as required, to put all claims into Species I.

Additionally, it was agreed that the Examiner would call the Applicant's attorney (Dave Thompson at 509-324-9256 ext. 235 in the West Coast time zone) if the amendments did not appear to satisfy the Examiner's requirements. At that

1 time, an Examiner's amendment could be agreed upon, withdrawing Claims 33—
2 44, and continuing with Claims 25—32 as Species I.

3 **Restriction Requirement**

4 **The Applicant elects Species I.**

5 The Patent Office has imposed a restriction requirement, including election
6 of Species I or Species II. As the Applicant understands the restriction, the
7 difference between the species is related to whether or not the size of the color
8 patches is allowed to vary. Thus, Species I, does "...not allowing the size of the
9 color ramps and/or color ramps to vary", while in Species II, color ramps are fit
10 onto the print medium by "allowing the size of the color ramps to vary by
11 adjusting the size and number of color patches" (Office Action mailed 01/03/2007,
12 middle of page 2).

13 In response, the Applicant has amended Claims 33 and 39 to eliminate any
14 aspect of changing the size of the color patches. Claim 36 was withdrawn, since it
15 refers to variations of the color patch height and width. Accordingly, the
16 remaining claims conform to the teachings of Species I.

17 As discussed above, if the Examiner does not agree that all claims are in
18 Species I, please telephone the undersigned attorney, concerning an Examiner's
19 amendment.

20 In view of the amendment of Claims 33 and 39, a listing of claims reading
21 on Species I includes Claims 25—35 and 37—44.

22 **Conclusion**

23 The Applicant submits that all of the claims are in condition for allowance
24 and respectfully requests that a Notice of Allowability be issued. If the Office's
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1 next anticipated action is not the issuance of a Notice of Allowability, the
2 Applicant respectfully requests that the undersigned attorney be contacted to
3 schedule an interview.
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5 Respectfully Submitted,
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7 Dated: 31 JAN 2007

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